

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

FROM : SAC, WASHINGTON FIELD

SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION; PERJURY
(BUFILE 47-39727)

DATE: November 4, 1950

ReBulet dated October 19, 1950, to WFO.

This is to advise the Bureau that the testimony given in this case by the prosecution witnesses has been reviewed in accordance with Bureau instructions and the conclusion has been reached that there exists no inconsistencies. The Bureau is, of course, already aware of the numerous apparently unfounded claims made by AXELBANK.

With this letter there is being transmitted to the Bureau a memorandum from Special Agent LAMBERT G. ZANDER dated October 13, 1950, covering his testimony in this case, which had previously been transmitted to the Bureau by this Office and was apparently through error sent to the WFO with Bulet dated October 27, 1950, returning the transcript of testimony in this matter.

On the basis of the foregoing, the transcript of testimony is being returned by this Office to the United States Attorney and the matter is considered Closed. C.

Enclosure

KTD:bn
47-5879

RECORDED - 34

47-39727-13

NOV 7 1950

25

EX-75

RECEIVED
INVESTIGATIVE DIVISION
NOV 10 1950

58 NOV 16 1950

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC GUY HOTTEL, WASHINGTON FIELD

DATE: October 13, 1950

FROM : SA LAMBERT G. SANDER

SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION
PERJURY

Reference is made to WFO letter to the Bureau, dated October 6, 1950. Accordingly, I have reviewed the pertinent files and a transcript of the testimony in the matter of the United States of America, v. HERMAN AIELBANK, in the United States District Court for the District of Columbia, Criminal Case Number 563-50.

On February 7, 1950, I was instructed to accompany Special Agent JOHN C. NEELY to the office of Mr. PERRY LAUKHUFF, Director of the Office of German Political Affairs, Department of State, at 10:00 AM on February 8, 1950.

Mr. LAUKHUFF previously advised that he had been contacted by an individual who had represented himself as an Undercover Agent of the Office of Naval Intelligence and had solicited his assistance in obtaining an appointment with Dr. FRANZ BLUECHER, Chancellor of the German Federal Republic, then in Washington. This individual, who identified himself to Mr. LAUKHUFF only as CARL NORMAN, desired according to Mr. LAUKHUFF to sell to Dr. BLUECHER some micro-film of German prisoners of war, now in Russia, which he had secretly obtained from a Soviet source.

Inasmuch as there was some indication from the information furnished by Mr. LAUKHUFF that matters of a security nature might be involved in this situation, I was designated to accompany Special Agent NEELY.

Mr. LAUKHUFF had made arrangements with NORMAN to confer with him further on the morning of February 8, 1950, and invited representatives of this office to be present at this meeting.

On the morning of February 8, 1950, I was with Mr. LAUKHUFF in his office at the Department of State when NORMAN arrived. Special Agent NEELY remained in the reception room.

At that time NORMAN subsequently identified as HERMAN AIELBANK, substantially reiterated his statements made to Mr. LAUKHUFF previously, and stated to me in Mr. LAUKHUFF's presence that he was an Undercover Agent for the Office of Naval Intelligence and wanted the State Department to assist him in contacting Dr. BLUECHER. I so testified to these facts. (Refer to transcript of testimony, pages

LOZ:dm
47-5879

47-39727-12

MEMO TO SAC, WFO
RE: J. GARRETT UNDERHILL

October 13, 1950

Mr. LAUKHUFF likewise testified (refer to transcript of testimony of PERRY LAUKHUFF, pages 25 through 35, at page 30).

Reference is made to the communication addressed to the Honorable JENNINGS S. BAILEY, U. S. District Court, Washington, D.C., by HERMAN AXELBANK, dated September 20, 1950, in which he alleges gross inaccuracies in my testimony and that of other government witnesses. At no time did AXELBANK state in my presence that he was with Naval Intelligence "unofficially" and I so testified.

AXELBANK further alleges in his communication that he had stated to me he was negotiating as a "private citizen". At no time in my presence did AXELBANK state that he was negotiating as a "private citizen" and I so testified.

He further alleges that Mr. LAUKHUFF had previously testified that he had made such statement. Attention is directed to the testimony of Mr. LAUKHUFF (page 31 of the transcript of testimony.)

"Q. In order to make it more certain, he made it clear in your mind that he was not talking to you as a representative of Naval Intelligence?

"A. He said - he stated that he was an agent of the Office of Naval Intelligence. He did not say whether he was representing them officially or not at that particular moment."

In the same communication, AXELBANK alleges that I deliberately denied under oath that he had asked me to contact GARRETT UNDERHILL. At no time did AXELBANK request me to contact GARRETT UNDERHILL or did he discuss GARRETT UNDERHILL with me, and I so testified. Special Agent REELEY testified that AXELBANK had made such request of him (refer transcript of testimony, page 51). Such request was not made in my presence.

It is to be observed that Mr. LAUKHUFF in his testimony (refer page 31 of the transcript of testimony), when questioned on his cross examination indicated that he could not remember whether AXELBANK had stated that he was talking to him in an unofficial capacity, but that was the impression he received. It is to be recalled that Mr. LAUKHUFF had interviewed Mr. AXELBANK at length on the previous day and if he received any impressions that AXELBANK was conferring with him in an unofficial capacity as a private citizen, no statement of such nature was made by AXELBANK in my presence during the interview with AXELBANK in Mr. LAUKHUFF's presence on February 8, 1950.

LW:dm
67-5879

SAC, Washington Field

October 27, 1950

Director, FBI

J. GARRETT UNDERHILL
IMPERSONATION; PERJURY

Reurlet dated October 14, 1950.

There is being returned herewith a transcript of the testimony which was borrowed by your office from the U. S. Attorney. As indicated in referenced letter, this transcript of the testimony should be returned to the U. S. Attorney.

RECORDED - 2

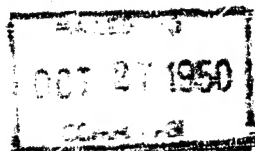
ENCLOSURE

47-39727

cc - 47-39299

(A review of the transcript of testimony of the trial of Herman Axelbank fails to reflect any improper testimony on the part of SAs Zander and former SA Nealey.)

ABE:JRM



60 FEB 28 1951

UNRECORDED COPY FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd *plw*

FROM : Mr. A. Rosen *ARK*

SUBJECT: HERMAN AXELBANK, was.
IMPERSONATION

DATE: October 19, 1950

TO: ☐ Ladd ☒ Rosen ☐ Clegg ☐ Glavin ☐ Nichols ☐ Rosen ☐ Tracy ☐ Harbo ☐ Mohr ☐ Tele. Room ☐ Nease ☐ Gandy

PURPOSE:

To advise that subject, who was convicted of a violation of the Impersonation statute on 6-20-50, has directed letters to Judge Thomas Jennings Bailey, U. S. District Court, District of Columbia, complaining that one defense witness and all of the witnesses for the prosecution testified erroneously. He also levels accusations at the U. S. Commissioner and the AUSA.

BACKGROUND:

In February, 1950, Axelbank, posing as an Agent of ONI, attempted to sell "secret microfilm" to the State Department. The film contained scenes of German Nationals held as prisoners by the Russians. The persons contacted by subject notified the Bureau and the subject was apprehended by SA Lambert G. Zander and former SA John C. Neely. Subject admitted to the Agents that the pictures were reproductions of newsreels shown in this country. On 6-20-50, the jury returned a verdict of guilty against subject. He was sentenced by Judge Bailey on 7-7-50 to serve from one to three years, sentence was suspended, and subject was placed on probation.

ALLEGATIONS MADE BY SUBJECT:

By letter dated 6-22-50, directed to Judge Bailey, subject claimed that a defense witness, J. Garrett Underhill, committed perjury. Axelbank sought to establish through Underhill's testimony that he, Axelbank, was employed by Underhill to obtain "secret" photographs for ONI. Axelbank alleged that Underhill represented himself in the presence of Wilson Hicks, of Life Magazine, as being with ONI. Underhill testified that he was never connected with ONI and made no such representation to subject. The above letter was furnished to the Bureau by the U. S. Attorney with the request that investigation be conducted. The investigation conducted to establish whether Underhill violated the Impersonation or perjury statutes failed to establish the truth of the allegations made by Axelbank. Mr. Hicks was interviewed and denied that Underhill ever represented himself as being with ONI. The investigation did bring to light the fact that Underhill was completely taken in by Axelbank. Underhill prepared an article entitled, "Secret Photographs of Russian War ~~Prisoners~~," which was published in the January 26, 1950 issue of Collier's magazine. ~~The~~ article was based on photographs furnished to Underhill by Axelbank. Underhill, during World War II, had the rank of Captain in the U. S. Army and served as a military analyst with MID.

By letter dated 9-20-50, subject advised Judge Bailey that the witnesses for the prosecution testified erroneously, including SA Zander and former SA Neely,

Attachment

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PERS. FILES

Memo to Mr. Ladd

when they testified that Axelbank represented himself as an agent or employee of ONI. He claims he told these Agents and the persons contacted by him at the State Department that he, Axelbank, was "with the Office of Naval Intelligence, unofficially." He also alleges that due to the "monumental" carelessness of SA Zander and former SA Neely, and U. S. Commissioner Lawrence, he was prevented from "carrying out a top secret" Naval assignment. Of course the Agents merely testified before Commissioner Lawrence to the facts to establish probable cause. Commissioner Lawrence held that there was probable cause and ordered Axelbank held to await the action of the Grand Jury, which subsequently indicted Axelbank for violation of the Impersonation statute. As indicated previously, he was convicted on this charge. His claim that he had a "top secret" assignment is absolutely ridiculous inasmuch as he was never employed by ONI. This letter further alleges that AUSA McLaughlin promised to drop the Fraud count from the indictment and failed to do so.

ACTION:

AUSA [] informed Washington Field that Judge Bailey has no personal interest in this matter; however, he is taking this matter up with the Judge to explain the completely false claims being made by subject.

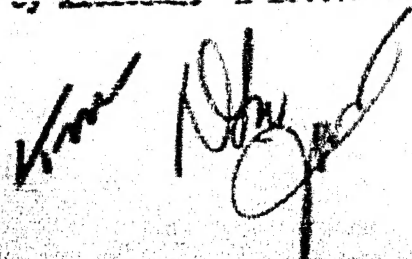
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b7C

With Axelbank's letter of 9-20-50 was an attachment of a part of a letter which Axelbank received from Underhill complimenting Axelbank on his masterful summation of the evidence in exposing the testimony of SA Zander and former SA Neely. WFO suggested that Underhill be contacted regarding this. It is felt that this would serve no useful purpose since investigation has established that Underhill is a "screwball" who was completely taken in by Axelbank.

WFO has also suggested that Mr. Perry Laukhuff, Director, German Political Affairs, State Department, who testified for the Government as to the representation made by subject, be informed of the allegations presently being made by Axelbank. Since the subject's claims are patently false, there appears no need to contact Mr. Laukhuff.

RECOMMENDATION:

It is believed the Bureau's interests would best be protected by having WFO review the transcript of the testimony and submit an explanation of the inconsistencies claimed by Axelbank. A letter to WFO is attached for your approval.



Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

FROM : GUY HOTTEL, SAC, WASHINGTON

SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION, PERJURY

DATE: October 16, 1950

Reylet October 6, 1950. In accordance therewith, I am transmitting a memorandum from SA LAMBERT G. ZANDER covering his testimony in this case.

There is also enclosed a copy of the transcript of testimony which has been borrowed from the office of the USA, for review by the Bureau. Upon completion it should be returned to this office.

The WFO will await Bureau instructions as to whether Mr. PERRY LAUKHOFF should be re-interviewed.

Enclosures - 2

END:VIM
47-5879

RECORDED - 107

INDEXED - 107

EX-81

OCT 16 1950

37

59 JAN 22 1951

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : SAC, New York

SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION, PERJURY

DATE: October 10, 1950

105548

Re WFO letter to Bureau 10/6/50.

HERMAN AXELBANK'S letter of September 20, 1950 directed to the Honorable JENNINGS BAILEY, U.S. District Court, Washington, D.C. outlines claims identical in substance to the allegations previously set forth in his letter to Judge BAILEY dated June 29, 1950. AXELBANK was interviewed by Agents of this office on August 2, 1950 at which time he was questioned at considerable length regarding each specific claim contained in his letter of June 29, 1950. The results of this interview, included in the report of SA [] dated August 11, 1950 at New York, disclosed that AXELBANK supported his claim to an "unofficial" connection with the U.S. Government upon a series of assumptions arising from the activities and statements of J. GARRETT UNDERHILL. The above report of SA [] reflects that based upon his own admissions his assumptions were not reasonable and further inquiry by this office failed to substantiate AXELBANK'S claim that UNDERHILL had misrepresented himself in the presence of other individuals. It is to be noted that AXELBANK during this interview represented that in addition to Special Agents Lambert Z. Zander and John C. Neely, [] and Perry Laukhuff testified falsely against him.

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Sufficient background information has been obtained concerning AXELBANK to indicate that he is an individual of questionable morals and character. In his letters to Judge BAILEY of September 20 and June 29, 1950 he attempts to characterize himself as a man of deep religious principles. His actions, however, in attempting to peddle worthless pictures by fabricating an atmosphere of international intrigue and representing himself as being with GHI, in his contacts with WILLIAM [] and [] (report of SA Harle Haare dated 5/8/50 at New York) is in direct contradiction to the impression that he is currently attempting to create. EDWARD R. THOMPSON, managing editor, ELLIOTT CALHOUN, foreign editor and WILSON HICKS, former executive editor, all of Life Magazine, have also reported attempts made by AXELBANK to sell worthless pictures (report of SA [] dated 7/31/50 at New York.)

cc: Washington Field (47-5786)

RECORDED - 37
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ABC:APK

53 MAR 1 1951

INDEXED - 37

#2 DEPT OF JUSTICE

RECEIVED SECTION

147-372-7-10

OCT 12 1950

Letter to Director
NY 47-6030

105549

J. GARRETT UNDERHILL has been described by associates as a "nut" (interview of JOHN LEAR contained in Cleveland's letter to Bureau, 7/27/50) and as eccentric (by WORTHEN PAYTON, report of SA [] dated 8/11/50). LOUIS RUPPEL, editor of Colliers Magazine has described UNDERHILL as eccentric and he reports that UNDERHILL has suffered a nervous breakdown.

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The Bureau was advised by New York letter dated May 9, 1950 that UNDERHILL had on May 6, 1950 telephoned this office and expressed his annoyance at being subpoenaed by the defense in the AXELBANK trial stating that he was "highly exercised" over the whole matter. []

[] UNDERHILL reportedly called AXELBANK and pleaded with him to drop him as a defense witness. His reason for not wanting to appear as a witness for the defense was given as his fear of disclosing confidential government information and his belief that AXELBANK was in a position to furnish information of value to this country. Therefore, UNDERHILL said he felt the case should have been dropped. The portion of the letter reputedly from UNDERHILL contained with AXELBANK'S letter of September 20, 1950 may indicate that UNDERHILL had been completely duped by AXELBANK and that subsequent to the trial he still felt that AXELBANK could furnish photographs of value.

Referral/Consult

In view of the fact that the allegations of AXELBANK are apparently without foundation and due to the high regard in which UNDERHILL is held by such individuals as WORTHEN PAYTON, WILSON HICKS and EDWARD E. THOMPSON, in spite of his eccentricities, it is believed that the best interest of the Bureau would not be served by continuing this inquiry. It is therefore recommended that J. GARRETT UNDERHILL not be interviewed as suggested in the above referenced letter.

47-39727-10

SAC, Washington Field

Director, FBI

HERMAN A. LELAND, was.

~~WASHINGTON FIELD OFFICE~~

October 19, 1950

Re Washington Field letter dated October 8, 1950, and New York letter dated October 18, 1950, captioned "U. Garrett Underhill, Impersonation, Forgery."

The Bureau does not desire any further inquiry be made in this matter other than to have the Washington Field Office review the transcript of the testimony and to submit an explanation of the inconsistencies in the testimony of the prosecution witnesses alleged by Leland.

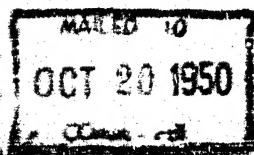
RECORDED - 73

47-39727

cc-47-39299

cc-New York

ARE:160



Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

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OCT 20 1950

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OCT 20 1950

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Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

FROM : GUY HOTTEL, SAC, WASHINGTON

SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION, PERJURY

DATE: October 6, 1950

For the information of the Bureau and the New York Office, I am transmitting herewith photostatic copies of a letter directed to the Honorable JENNINGS BAILEY, U. S. District Court, Washington, D. C., by HERMAN AXELBANK dated September 20, 1950. It will be noted that this letter contains an attachment bearing a signature which is partially illegible but which appears to be that of GARRETT UNDERHILL. It is noted that on Page 2 of the enclosure, AXELBANK states he is enclosing a portion of a letter from UNDERHILL.

The AXELBANK letter was made available to this office by AUSA [redacted]. At the time, he stated that Judge BAILEY has not expressed any personal interest in the outcome of this case and his referral to the USA's office of the AXELBANK letter was routine in nature, as in the past. [redacted] advised, however, that due to the claims made by AXELBANK in his letter of September 20, 1950, he intends to contact Judge BAILEY when this is possible in order to advise him of the completely erroneous claims being made by AXELBANK. b6 b7C

In view of the continued correspondence which AXELBANK is directing to Judge BAILEY, this office has arranged with the USA's office to obtain a copy of the transcript of all testimony in this case and this will be made available to this office on October 12, 1950.

It is suggested, in view of the derogatory comments made concerning Bureau personnel in the attachment to the AXELBANK letter, that the Bureau instruct the New York Office to contact J. GARRETT UNDERHILL in this regard. In this connection, it is suggested that the New York Office verify that the signature on the attachment is that of UNDERHILL.

For the same reason, SA LAMBERT ZANDER will, when the transcript of testimony is available, examine his testimony in detail and make such comments as to the AXELBANK claims which appear to be pertinent. In the same regard, former SA JOHN C. NEELY is not available inasmuch as he is currently employed in Venezuela. It is also suggested that the Bureau give consideration to requesting this office to re-interview Mr. PERRY LACHRUFF, Director, German Political Affairs, State Department, when the testimony is available in order that he may be fully apprised of the additional claims made concerning his testimony by AXELBANK and also to give him the opportunity to review his testimony.

Enclosures

EX-26

cc New York (Enclosures) 47-6030

AND:VIM

47-3779

Hunt to WCO

RECORDED - 84

INDEXED - 84

OCT 7 1950

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September 27, 1950

Hon. Jennings Butler
Federal District Court
Washington, D.C.

Dear Sir:

I would be remiss in my duty to the Court, if I did not disabuse it of the gross inaccuracies in the testimony of Agent Lambert G. Zander and the other government witnesses who deliberately misquoted this statement which I made to them: "I'm with naval intelligence unofficially."

I respectfully submit to Your Honor, that I was raised in a religious Jewish home, that I am a member of the Community Center of Israel on Westchester Boulevard in New York, where my name was confirmed.

On the eve of our Holiest of Days, Yom Kippur (Day of Atonement), I swear by Almighty God, by the beloved memory of my father and mother, by my wife, and my two sons who are about to serve in our armed forces, that the words 'agent of' or 'of the office of' or 'employee of' or 'ONI' were never mentioned to any government employees.

The verbatim phraseology I use to: (1) Wilson (2) Laukhuff and (3) Zander, Laukhuff was: "I'm with naval intelligence unofficially." In stating that I was with naval intelligence, I was merely repeating what our wartime chief editor of military intelligence revealed to me in Mr. Wilson Hicks' office at Life Magazine, and when they asked me for credentials, I replied that I couldn't, and didn't have any because my work was unofficial. I was never an official and my work is unofficial.

SATION, TO MAKE IT ABSOLUTELY CLEAR TO THEM THAT I WAS NOT AN ATTORNEY
ED AGENT!

In deliberately attributing to me words which never
came out of my mouth, they revealed an inordinate zeal to convict me
and smear mine and my family's good name for life.

To mention only two instances of proof of FBI Agent
Zander's deliberate inaccuracies: 1) In the written minutes of trial
bottom of page 40) He Zander, sat close to Lauchhoff when the latter
asked me if I was negotiating it as a naval intelligence matter or as
a private citizen. Zander denied under oath that I said "private cit-
izen!" But a few minutes earlier Lauchhoff admitted it (see typed
written minutes of trial, page 41) When FBI Agents Zander and Neely
arrested me, Neely watched Zander order me to enter my defense. I
protested, pleading with them to straighten out the matter with John
Barrett Underhill, our wartime chief editor of Military Intelligence,
at his home in Woodstock, N.Y. and to keep it all in absolute confid-
ence. I warned them that any publicity would cause incalculable damage
to the national interest. Agent Zander deliberately denied under oath
that I mentioned Underhill. But when my attorney cross-examined Agent
John C. Neely immediately afterward, Neely admitted that I told them
about Underhill!

Enclosed is part of a letter from Underhill, dated
July 20th 1950, which points up my warning on harm to the national in-
terest and a possible leak to Communists.

The fact that the Court believed the deliberate ac-
cortions of these government employees and not the truth - has tormented me ever since.

I respectfully leave it to the Court to draw its
conclusion as to the motive for their conduct. I am
convicted as innocent of the following:

1. Espionage.

1) IMPERSONATION. I never at any time impersonated an accredited agent. I merely told them after they had originally promised for security reasons to keep it in absolute confidence, that "I'm with naval intelligence - unofficially." I had every right to confide it in good faith to my own State Department because of evidence I have already presented to your Honor from fall, and because I believed and trusted our wartime chief editor of military intelligence, inasmuch as he told me he was with naval intelligence; and I did not fail to succeed in obtaining for our naval intelligence the first vital picture of battleship radar of a foreign borer, its invasion craft, as well as its structure and its latest units mentioned in the article in Underhill as hitherto unobtainable. I did get a top-secret naval assignment in which I might well have succeeded if not for the monumental carelessness of the two FBI agents and Commissioner Lawrence. I duly warned all of them that any publicity would incalculably hurt our government.

2) FRAUD. Your Honor, and even Prosecutor Arthur Clauchlin admitted at the trial that this outrageous charge should never have been part of the indictment in the first place. The prosecutor promised Your Honor that he would take it up with the Assistant Attorney. But lo and behold in my conviction, the charge of fraud goes up to do me an even greater injustice!

Then I read the typewritten minutes of the trial, I was shocked to learn that even FBI Agent John C. Reely committed error when he swore that he warned me that anything I told him might be held against me. But - so help me God - he never breathed a word of any such statement to me.

The government witnesses were not consistent in their deliberate misstatements either. They contradicted themselves several times in their distortions of my statement "I'm with naval intelligence."

unofficially." At one time they fabricated the phrase "an agent of the office of naval intelligence," and later on they fabricated the word "FBI" and still another time they concocted the phrase "an employee of the office of naval intelligence."

I respectfully submit to the Court, that I firmly believe that Laukhuff and Zander deliberately persecuted the defendant in an effort to imprison him, because they are infected with the Hitler poison against him - because of his religion.

It is unthinkable that they would have done this to one of their relatives or any one they know personally.

I respectfully submit to the Court that never in my brief conversations with Nelson, Laukhuff and Zander, did I ask for Bluecher's address. Not one single witness ever testified to that either. I knew from a news item in the N.Y. Times, that he would be at the RCA office in Washington on February 6th and I merely asked for the courtesy of letting me show him these pictures, which would have taken only a few minutes.

That government employees should conspire in falsifications to produce a grand jury indictment containing a charge which Your Honor and even the prosecutor admitted at the trial should never have been made in the first place - is a very serious matter. The freedom of the ordinary man on the street going about his legitimate business, with absolute faith in his government and its glorious Four Freedoms, is seriously undermined.

Very respectfully yours,

Hermon Quilback

return must of necessity be governed by my convenience.

May I congratulate you on your handling of the case? From hearing your summation, I judged that you had been able to expose the really appalling lack of consideration given by government officials to the whole affair when it occurred. I was more than a little distressed to see your masterful exposure of the FBI agents' preparation of their testimony; if many of Mr. Hoover's men are as careless as [redacted] Neely and Zander, then perhaps you and I are not so safe from Communists here as the FBI publicity leads us to believe.

of Quilback

Office Memorandum • UNITED STATES GOVERNMENT

DATE: September 19, 1950

TO : DIRECTOR, FBI

FROM : GUY HOTTEL, SAC, WASHINGTON

SUBJECT: J. CARRETT UNDERHILL
IMPERSONATION, PERJURY

Rebulet August 25, 1950, requesting a memorandum of explanation from SA LAMBERT G. ZANDER as to the charges made by HERMAN AXELBANK that all witnesses for the prosecution at his recent trial in Washington, for violation of the Impersonation Statute, had either misquoted him or erroneously testified against him.

SA ZANDER advises that on February 8, 1950, at 10 A.M., he was present in the office of Mr. PERRY LAUKHUFF, Director of the German Political Affairs Office, Department of State, Room 207, State Annex Building #5. At that time an individual subsequently identified as HERMAN AXELBANK, presented himself at the invitation of Mr. LAUKHUFF. AXELBANK refused to identify himself to either Mr. LAUKHUFF or SA ZANDER other than as CARL NORMAN, stating that the confidential nature of his mission prevented him from doing so, that he was an undercover agent of the Office of Naval Intelligence. AXELBANK was unable to furnish any evidence of identity when so requested.

SA ZANDER advised that on June 20, 1950, in the United States District Court for the District of Columbia, Judge THOMAS JENNINGS BAILEY presiding during the trial of HERMAN AXELBANK, he so testified to these facts.

Mr. PERRY LAUKHUFF, Director, Office of German Political Affairs, State Department, has been interviewed in this regard. It will be noted on Page 6 of the report of SA [redacted] dated August 11, 1950, at New York, it is reported that AXELBANK claims LAUKHUFF falsely testified when he said that AXELBANK did not advise him that his connection with Naval Intelligence was unofficial. Mr. LAUKHUFF advised that during his testimony in this case, he testified that AXELBANK asserted he was an agent of Naval Intelligence. He stated he does not recall whether during his testimony he was specifically asked whether AXELBANK advised him that his connection with Naval Intelligence was unofficial but during the interview advised that had such question been asked him, he would have answered negatively. With regard to the testimony of SA ZANDER, Mr. LAUKHUFF was asked to recall whether AXELBANK, in the presence of Mr. LAUKHUFF and Agent ZANDER, on February 8, 1950, in referring to his association with the Office of Naval Intelligence, used the word "undercover" or "underground". Mr. LAUKHUFF stated that he cannot now definitely recall the exact word used on this occasion by AXELBANK. He did state, however, that from his two contacts with AXELBANK, he would assume that the word used by AXELBANK was "undercover". During the interview Mr. LAUKHUFF advised that

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HBF:VDM
47-5879

59 FEB 28 1951

147-31727-2
SEP 20 1950

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Director
J. GARRETT UNDERHILL
September 19, 1950

there exists absolutely no question as to the representation by AXELBANK of official connection with the Office of Naval Intelligence in his and Agent ZANDER'S presence on February 8, 1950. He also advised that from the events which transpired there is absolutely no question in his mind that the representations made by AXELBANK on this occasion constitute a clear-cut violation.

It is desired to advise the Bureau that former SA JOHN C. NEELY is currently en route to Venezuela in connection with employment recently acquired and for this reason he is not available for interview in connection with the allegation made by AXELBANK concerning his testimony.

In view of the fact that the UNDERHILL case is currently closed in this office and prosecution has been declined concerning UNDERHILL by the United States Attorney in Washington, this office does not plan incorporating the foregoing information in an investigative report, in the absence of a request from the Bureau to the contrary.

*OK
See
re: Underhill
in the
Washington
file
COA
10/1/50*

BEST AVAILABLE
COPY

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON FIELD

FILE NO. 47-5879

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 8/24/50	PERIOD FOR WHICH MADE 7/26, 27, 31; 8/7, 10, 22/50	REPORT MADE BY KENNETH T. DELAVIGNE, SA BH
TITLE <u>CHANGED:</u> J. GARRETT UNDERHILL, WAS., Garrett Underhill, John Garrett Under- hill, Jr.			CHARACTER OF CASE IMPERSONATION - PERJURY

SYNOPSIS OF FACTS:

No record Naval service subject. Army records indicate service from December 14, 1942, to May 27, 1946, with rank of Captain, including service as Military Analyst, AID. [redacted] b6 b7C
[redacted] CNI, advises was contacted by subject who made no representation of CNI status, claiming to be a writer and associated with "Collier's" magazine. Prosecution declined by AUSA, Washington, D. C.

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DETAILS:

AT WASHINGTON, D. C.

The title of this case is being changed to reflect the full name of the subject as JOHN GARRETT UNDERHILL, JR., this name being obtained through examination of military records.

The records of active and inactive Navy enlisted and officer personnel were checked and contained no record pertaining to the subject.

The records of the Department of Army reflect that JOHN GARRETT UNDERHILL, JR., born August 7, 1915, New York City, under Serial Number 12219012, entered the service at New York City on December 14, 1942, as a Private and was appointed Second Lieutenant, Army of the United States, on July 2, 1943, at Fort Washington, Maryland, and assigned Army Serial Number 1-12219012. These records reflect he was released from active duty May 27, 1946, at the Offense Separation Point, The Pentagon, Washington, D. C., as a Captain with efficiency ratings of "Excellent" through "Superior." These records reflect, as part of the assignments of UNDERHILL while in the service, as Military Analyst, AID, Washington, D. C., on July 10, 1943; as Military Analyst, Publications Branch, Washington, D. C., July 1, 1944 and on the

APPROVED AND FORWARDED Guy Hotter Jr. SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-5771-1 RECORDED - 46 INDEXED - 46
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same date as Military Analyst, Editor and Writer, Reports Unit, MIS, Washington, D. C.; as Technical Editor, Publications Branch, MIS, Washington, D. C., January 1, 1945. The same records reflect previous employment of UNDERHILL from June, 1936 to December, 1942 with "Life" magazine.

The records of the United States Probation Officer, Washington, D. C., under Case Number 10880, pertaining to ~~HESSMAN AXELBANK~~ reflect a report dated June 27, 1950, covering an interview with AXELBANK by one of the Probation Officers. This report reflects that when interviewed, AXELBANK claimed UNDERHILL did not tell the truth while on the witness stand in Washington and AXELBANK claimed he has documentary proof that on a prior occasion UNDERHILL had represented himself to AXELBANK to be connected with the Office of Naval Intelligence. The report indicates AXELBANK claims he has in his possession in New York City written orders from UNDERHILL directing him to obtain certain secret documents of Russian military installations.

[redacted]
[redacted], [redacted] advised he first met UNDERHILL when the latter visited him in his office with photographs purportedly pertaining to the Russian fleet. He stated UNDERHILL presented himself as a writer and stated he was associated with "Collier's" magazine. [redacted] advised that during all of his contacts with UNDERHILL, the latter, in no way, intimated any FBI association. He stated he recalls that UNDERHILL told him in a general way that he had a source through whom the photographs, he exhibited to [redacted] had been made available and also indicated he felt this source might be able to produce additional photographs at a later date. He stated that UNDERHILL took the position that he desired to write a story for magazine publication around these photographs but did not desire to do so unless it were militarily safe to do so. UNDERHILL advised that the pictures exhibited by UNDERHILL were of no particular military value. He stated UNDERHILL gave him no indication that he was that he had represented himself as being connected with FBI. [redacted] stated that he has no information indicating the use of a Navy plane for transportation purposes by UNDERHILL. He further advised that he does not know any [redacted] or [redacted] as being associated with FBI. He recalled that on one occasion he had dinner with UNDERHILL at which time UNDERHILL was accompanied by an Assistant Editor of "Collier's" magazine.

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The facts in this case were presented to Assistant United States Attorney ALVIN J. DE LA GUARDIA who declined prosecution of UNDERHILL on the basis that investigation conducted in this case, including the interview

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by the New York City Office with HERMAN AXELBAUM, had failed to develop any evidence on the basis of which prosecution of UNDERHILL could be justified. He advised the facts developed had not substantiated the claims made by AXELBAUM in his letter to Judge BAILEY either as to the testimony of UNDERHILL, or the claim that UNDERHILL impersonated a Naval intelligence officer.

- CLOSING -

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ADMINISTRATIVE

[redacted] also advised that during his contact with UNDERHILL, he felt that it might be of some advantage to the Navy to identify the source utilized by UNDERHILL in obtaining military photographs. He stated that it was his original thought that by purchasing these photographs, the Government would thus be enabled to identify the source; that for this reason he arranged for UNDERHILL to go to the Central Intelligence Agency in Washington on the possibility that that Agency might be interested in purchasing the photographs since he had determined it was not advisable for the Navy to purchase them. He advised that after arranging for UNDERHILL to go to CIA, he decided against this and subsequently set in on a CIA conference attended by UNDERHILL, the result of which was that CIA did not purchase the photographs.

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The records of the Clerk, Criminal Division, United States District Court, under Case Number 59-50, indicated that the record in this case was taken by Court Reporter FRANCIS J. ALLEN and has not yet been transcribed.

In an effort to determine whether United States District Judge JEROME B. HANLEY had any personal interest in the outcome of this case in view of his referral of this matter to the United States Attorney at Washington, ANGELO ARIZONA, MD LAURENCE was contacted. He advised that after having made appropriate inquiry, he had definitely determined that the referral of ARIZONA's letter to the USA by Judge HANLEY was wholly routine, and that Judge HANLEY has followed this procedure in the past and had indicated no interest in being advised of the outcome of any inquiries which might have resulted from the receipt of ARIZONA's letter.

Navy records were examined by Special Employee [redacted].

Department of the Army records were examined by Special Employee [redacted].

REFERENCE: Bureau letter dated July 21, 1950

Report of Special Agent [redacted] New York City, dated July 31, and August 11, 1950.

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SAC, Washington Field

August 25, 1950

EX-40

Director, FBI

J. GARRETT UNDERHILL
IMPERSONATION
PERJURY

Hereby Special Agent [redacted] dated August 11, 1950,
at New York.

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This report reflects that Herman Axelbank claims that all witnesses for the prosecution at his recent trial in Washington, D.C., for violation of the Impersonation Statute had either misquoted him or erroneously testified against him. Among those mentioned as improperly testifying, according to Axelbank, are Special Agent Lambert Z. Lander and former Special Agent John C. Neely.

A memorandum of explanation of the charges made by Herman Axelbank should be submitted by Special Agent Lander. The next report of the Washington Field should reflect appropriate answer of the allegation made by Axelbank with reference to the testimonies of Special Agent Lander and former Special Agent Neely. With regard to the testimony of the other witnesses for the prosecution, no additional comment need be made.

AGS:cmu:bd

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **WASHINGTON FIELD**

NY FILE NO. **L7-6030 GDM**

REPORT MADE AT NEW YORK	DATE WHEN MADE 8/11/50	PERIOD FOR WHICH MADE 7/31; 8/2, 4, 7/50	REPORT MADE BY <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
TITLE J. GARRETT UNDERHILL, wa.			CHARACTER OF CASE IMPERSONATION - PERJURY

SYNOPSIS OF FACTS:

HERMAN AXELBANK reports while he and UNDERHILL were alone, in the office of WILSON HICKS at "Life" Magazine, NYC, UNDERHILL in responding to a comment made concerning his knowledge of details appearing in pictures of Russian activities, winked at him and stated "Naval Intelligence", which response was interpreted to mean UNDERHILL was officially connected with Naval Intelligence. Arlington telephone number left by UNDERHILL assumed by AXELBANK to be a number of a Navy or Government official. States UNDERHILL on 12/1/49 in office of LOU RUFFEL, Editor of Collier's Magazine, NYC, pointed at him and remarked in a whisper, "Intelligence". Later, on the same day, AXELBANK claims UNDERHILL told him of his interest in photographs of four Russian submarine bases, taking a note of the bases; this writing assumed by AXELBANK to be a "critical Naval assignment", because UNDERHILL had questioned him regarding his interest in furnishing pictures to the U. S. Government on an exclusive basis. Admits UNDERHILL did not at this time promise him a \$5,000 retainer from CIA and that [redacted] or [redacted] never represented by UNDERHILL as a "Naval Intelligence contact". Claims all witnesses for the prosecution at his Washington, D. C. trial misquoted him or erroneously testified against him. Admits that documents in possession of UNDERHILL upon his return from Washington, D. C., on 12/4/49, assumed to be "top secret Naval Intelligence documents", although never represented as such by UNDERHILL.

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APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPY IN FILE RECEIVED THIS REPORT 2-Bureau 1-USA, Washington, D. C. 2-Washington Field (L7-5786) 2-New York	47- 15 1950 34	RECORDED - 91 INDEXED - 91 EX-13

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SYNOPSIS: (Cont'd.)

LOUIS RUFFEL advises UNDERHILL made no misrepresentations concerning AXELBANK when interviewed on 12/4/49. WORTHEN FAITON states AXELBANK unknown to him.

- RUC -

DETAILS:

HERMAN AXELBANK was interviewed by SA JOHN P. LINEHAN and the reporting agent at his residence at 2720 Haring Avenue, Bronx, New York, concerning the statements contained in his letter dated June 29, 1950, addressed to U. S. District Judge JENNINGS BAILEY, Washington, D. C.; his wife, Mrs. KATHRYN AXELBANK, was present during the greater part of the interview.

AXELBANK related that his initial meeting with J. GARRETT UNDERHILL was in the office of WILSON HICKS, former executive editor for "Life" Magazine, sometime during June, 1948. He stated that a short time prior to his meeting with UNDERHILL, he had approached HICKS in an effort to sell a group of pictures of Russian political and military activities, and was advised by HICKS that before the magazine could make a final decision concerning the purchase of the pictures, it would be necessary for the magazine's military consultant, namely J. GARRETT UNDERHILL, to examine and appraise the photographs. AXELBANK reported that HICKS, after introducing UNDERHILL to him as the magazine's military consultant, left the office.

According to AXELBANK, while he and UNDERHILL were alone in the room, he, AXELBANK, commented, as a result of the keen observations made by UNDERHILL on various details appearing in the pictures, that UNDERHILL was unusually well informed. UNDERHILL responded to his comment by winking at him and stating "Naval Intelligence". AXELBANK advised that UNDERHILL'S mannerism and statement was interpreted by him to mean that he was officially connected with the Office of Naval Intelligence, although AXELBANK reported that no further discussion of UNDERHILL'S inferred connection with the U. S. Government took place at this meeting.

AXELBANK stated that "Life" Magazine declined to purchase the pictures due to, what officials of the magazine believed to be, an

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unreasonably high price. He reported that he subsequently met UNDERHILL and told UNDERHILL that he would give him a liberal commission if he could effect a sale of a group of pictures with another magazine. Together, he and UNDERHILL made an unsuccessful trip to the offices of the "Saturday Evening Post", Philadelphia, Pennsylvania, in an effort to interest that magazine in a set of pictures. Finally, in December, 1949, UNDERHILL advised him that Collier's Magazine was considering a group of pictures, but that it would be necessary for him, UNDERHILL, to travel to Washington, D. C., to have the pictures "verified" by the proper Government Intelligence officials. AXELBANK revealed that he is unable to recall if UNDERHILL told him specifically that he was going to Washington, D. C., to contact Navy Intelligence officials, or whether he, AXELBANK, assumed that UNDERHILL meant Navy when he said he was going to Washington, D. C., in connection with the pictures.

Referral/Consult

AXELBANK stated that UNDERHILL returned from his Washington, D. C. trip on December 4, 1949, and on the same date he met UNDERHILL at the office of JOHN DENSON, Managing Editor of Collier's Magazine. AXELBANK stated that at this meeting with DENSON, UNDERHILL told DENSON that the magazine was getting the opportunity of using the pictures before the U. S. Government reviewed them, but AXELBANK was unable to explain this reported statement further or comment on what purpose the trip to Washington, D. C. served if UNDERHILL did not contact military officials in the capitol. Following the talk in DENSON'S office, AXELBANK stated that he, UNDERHILL and DENSON went into the office of LOU RUPPEL, Editor of the magazine. AXELBANK advised that UNDERHILL preceded him by a few minutes, and stated that when he, AXELBANK, entered the Editor's office, he overheard UNDERHILL remark in a whisper to LOU RUPPEL "intelligence ", at the same time pointing in his general direction.

AXELBANK stated that he was certain that UNDERHILL pointed at him, that he was certain that UNDERHILL used the phrase "intelligence", but that he was unable to recall if UNDERHILL had used the phrase "Naval Intelligence". AXELBANK declared that he believed UNDERHILL made the statement "to glamorize his entry", and to effectively complete the sale of the pictures. He stated that the remaining time spent in RUPPEL'S office was spent discussing whether or not the pictures could be reproduced in large enough size for publication, and that no further representation concerning either UNDERHILL'S or his position or connection with the Federal Government was made.

AXELBANK stated that following the interview in RUPPEL'S office, UNDERHILL received a check for \$2,800 for the pictures. UNDERHILL cashed the check at his bank and turned the money over to him. He stated that although he had promised UNDERHILL a twenty-five per cent commission if the pictures were sold for \$5,000, he was unable to pay UNDERHILL that percentage on the final selling price due to commitments he had made with his supplier. He stated that he did give UNDERHILL \$25 for his services and that UNDERHILL readily accepted the money.

After leaving the offices of Collier's Magazine, AXELBANK advised that he and UNDERHILL went to the New York Public Library where UNDERHILL consulted an authoritative Naval source book entitled, "Jane's Fighting Ships". While at the library, UNDERHILL told him that he was interested in pictures of the following Soviet Naval bases: Molotash Submarine Yard, Murmansk; Leningrad Submarine Yard, Leningrad; Martil Submarine Base, Nikolaevsk; and the Komsomolsk Submarine Base, Amur River.

He stated that UNDERHILL made a note of the above bases, and turned the writing over to him, and that UNDERHILL advised him at this time that he believed that he would be able to obtain from twenty-five to thirty thousand dollars for current photographs of these Russian installations. AXELBANK stated that UNDERHILL also inquired from him, while they were both still at the library, if he, AXELBANK, would be interested in furnishing the United States Government with pictures on a continuous and exclusive basis. AXELBANK stated that UNDERHILL did not tell him that the U. S. Government was interested in the photographs of the Russian submarine bases, and that UNDERHILL did not identify the intended purchaser of the pictures, but that he, AXELBANK, was under the impression that the Government would be the purchaser in view of the fact that UNDERHILL had

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questioned him concerning his interest in furnishing photographs to the Government on an exclusive basis. AXELBANK stated that it was, therefore, his assumption that UNDERHILL was giving him a "critical Naval assignment".

AXELBANK admitted that UNDERHILL did not at this time, December 4, 1949, promise him a \$5,000 retainer from CIA. He stated that after his Washington, D. C. arrest, he met UNDERHILL in New York City at which time UNDERHILL stated that he believed the Government was making a mistake in prosecuting him, and he suggested that he, AXELBANK, ingratiate himself with the Government by furnishing photographs on an exclusive basis remarking that he believed that the CIA would give him a "\$5,000 retainer for his services". It is to be noted that this explanation concerning the \$5,000 retainer is in conflict with the statement set forth in AXELBANK'S letter to Judge BAILEY.

AXELBANK reported that he told UNDERHILL that in order to obtain the photographs of the Russian Submarine Bases, it would be necessary for him to reach contacts in Europe. In response to this statement, AXELBANK stated that UNDERHILL wrote him advising that a [redacted] or a [redacted] at different New York City telephone numbers, would assist him in obtaining a reservation for his overseas flight. AXELBANK admitted that UNDERHILL never described [redacted] or [redacted] as a "Naval Intelligence contact", but that he had assumed that they were intelligence contacts because they were in a position to assist him in obtaining an overseas reservation. AXELBANK stated that he never called the numbers and had no personal contact with either of the above individuals.

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AXELBANK reported that the following individuals also misquoted him at his Washington, D. C. trial:

SA LAMBERT Z. ZANZEN who AXELBANK reports "falsely testified" that he, AXELBANK, represented himself as an "undercover agent of the Office of Naval Intelligence". AXELBANK stated that he may have used the phrase "underground", but that he never used the phrase "undercover agent".

[redacted] who AXELBANK states misquoted him by saying that he offered him "two G's" if he could arrange a meeting with Dr. BLEUCHER, Vice-Chancellor of the German Federal Republic. AXELBANK reported he told [redacted], "It would be worth \$2,000 to see Dr. Bleucher", but that this statement was not intended to mean that he was offering money to [redacted] personally.

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[redacted] employed by [redacted]
[redacted] who AXELBANK claims falsely testified that he had represented himself as being with Naval Intelligence.

SA JOHN C. HEELY who AXELBANK claims erroneously testified when he said that he, AXELBANK, admitted to him that he was only posing as an undercover agent.

PERRY LAUKHUFF, Director of the Office of German Political Affairs, U. S. State Department, who AXELBANK claims falsely testified when he said that AXELBANK did not advise him that his connection with Naval Intelligence was unofficial.

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AXELBANK was questioned concerning the belief expressed in his letter to Judge BAILEY that he had "a moral right to confide in good faith to my own State Department that I was with Naval Intelligence unofficially". AXELBANK acknowledged the fact that UNDERHILL did not influence him in any way in his attempt to sell photographs to Dr. BLECHNER, and admitted that the attempted sale was prompted by the hope of personal financial gain. He stated that in order to simplify his explanation to [redacted] and PERRY LAUKHUFF, and as a means of blocking further questioning concerning the source of the pictures, he advised them that he was with "Naval Intelligence unofficially". AXELBANK stated that he felt that "he had a moral right" to do this in view of the request made by UNDERHILL for photographs.

During the course of the interview, AXELBANK stated that he did not consider it unusual for an Intelligence Officer of the U. S. Navy to accept commissions on a transaction relating to his official duties. He stated that he considered most government officers "interested in making a few dollars" and he cited as a basis for his conclusion the publicized "Washington 5 per centers".

AXELBANK also reported that UNDERHILL told him that during the first week of December, 1949, when he arrived in Washington, D. C. to contact various high officials in connection with some of the photographs, he found these officials reviewing pornographic films. AXELBANK stated that he assumed that these high officials were members of the U. S. Navy, but he was unable to give reasons to support this assumption.

Concerning the statement in his letter to Judge BAILEY that UNDERHILL "shuttled back and forth in a Navy plane", AXELBANK at first admitted that he was not certain of the mode of transportation UNDERHILL used on his trip, and if he traveled by plane, whether it was a private, Navy or Army plane. He stated that he recalled UNDERHILL telling him upon his return to New York City on December 4, 1949, that his trip cost the taxpayers a lot of money and that the plane ride was the most enjoyable part of the trip.

The "several top secret Naval Intelligence documents" AXELBANK claims UNDERHILL brought back with him from Washington, D. C., AXELBANK admitted were never represented by UNDERHILL to be classified U. S. Government documents. He stated that he never examined these documents and only assumed that they were official. He explained that he saw several impressive looking papers in UNDERHILL'S inside coat pocket when UNDERHILL withdrew from his pocket a photograph of a Russian submarine. He stated that he assumed that the photograph of the Russian submarine "with the number '13' painted on the conning tower", was a coded photograph, although the photograph contained no descriptive material. He admitted that UNDERHILL'S warning not to look at the other side of the photograph was not accompanied by any representation that the photograph was of a secret or restricted nature, and he advised that UNDERHILL did not explain the nature of the material on the reverse side of the photograph.

He stated UNDERHILL permitted him to examine the photograph of the submarine and then asked him if he recognized the ship. AXELBANK replied that he did not, at which time UNDERHILL stated that this submarine "had sunk 13 enemy ships". AXELBANK was unable to recall any further conversation concerning the photograph of the submarine.

When AXELBANK was questioned further at a later point in the interview concerning UNDERHILL'S mode of transportation on his Washington trip, AXELBANK stated that he was certain that UNDERHILL told him it was a Navy plane. When it was pointed out that this was in conflict with his statement to the interviewing agents, he declined to discuss this or any other matter relating to statements contained in his letter to Judge BAILEY until he had received advice from his attorney, SAMUEL WITTE, 152 West 42 Street, New York, New York. AXELBANK had explained that all of the documents referred to in his letter to Judge BAILEY are in the custody of his attorney, Mr. WITTE.

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Mr. LOUIS RUPPEL, Editor, Collier's Magazine, 640 Fifth Avenue, New York, New York, advised he met AXELBANK on only one occasion in his office on or about December 4, 1949. He stated that he was introduced to AXELBANK by UNDERHILL and JOHN DENSON, Managing Editor of the magazine, but that no misrepresentations regarding AXELBANK were made by UNDERHILL in his presence.

Mr. RUPPEL advised he was formerly associated with the United States Bureau of Narcotics and that he saw service with the U. S. Marines. He stated that in view of his past experience he would have immediately recognized any attempt by UNDERHILL to imply that AXELBANK was officially connected with Naval Intelligence. Mr. RUPPEL advised that any representations of this type would have prompted further questioning, and that no discussion of AXELBANK'S or UNDERHILL'S affiliations or activities took place at this time.

Mr. RUPPEL advised that he was concerned over the technical problems involved in regard to producing the pictures for publication and that this was the only discussion that took place in his office.

Mr. RUPPEL stated that UNDERHILL, as technical adviser, assisted JOHN LEAR, a member of the staff of the magazine, in the article entitled, "Hiroshima, U. S. A.", which appears in the August 5, 1950, issue of the magazine. He stated that the development and research on this article required considerable time and effort and that prior to publication, he was advised by UNDERHILL'S wife that UNDERHILL had suffered a nervous breakdown and would be unable to continue work on the article. Mr. RUPPEL described UNDERHILL as eccentric and he attributed his breakdown to the strain of producing the article. He stated he knew nothing detrimental to the character of UNDERHILL and advised that UNDERHILL, who he knew to be a Reserve U. S. Army Intelligence Officer and a Military Consultant, never falsely represented his association with the Government.

The above interview was conducted by telephone at the insistence of Mr. LOUIS RUPPEL.

Mr. NORTON PAXTON, Paxton, Kruegers and Associates, Designers, 350 Fifth Avenue, New York, New York, advised that he was formerly Assistant Managing Editor of "Life" Magazine, and in this

capacity in 1942 made the acquaintance of UNDERHILL who was employed by the magazine as a research expert in military and allied fields. He reported that UNDERHILL, who had advised him that research on weapons and military equipment had always been a hobby of his, had obtained his position with "Life" by bringing to the attention of the Director of the Research Department of the magazine, a list of errors in the description of military equipment appearing in three of the magazines during the period 1940-1941.

Mr. PAXTON stated that UNDERHILL as a research expert developed a great many of "Life's" stories during the initial years of the war and also assisted in the development of U. S. Army Field Manuals, airplane recognition charts and enemy military identification sheets, while employed on a wartime project "Life" was conducting for the Armed Services.

In 1943, UNDERHILL was inducted into the U. S. Army, served for several months at the Pentagon in Washington, D. C. as an enlisted man and then entered Officer Candidate School. Upon graduation, he returned to the Pentagon and was active in Military Intelligence during the remaining years of his service.

Mr. PAXTON described UNDERHILL as "a knowing guy on tactics and weapons", and stated that he had "a fund of knowledge on foreign military equipment". When released from the Armed Forces, UNDERHILL was utilized by "Life" magazine as a military consultant.

Mr. PAXTON stated recently he assisted JOHN LEAR and UNDERHILL in the development of the August 5, 1950 Collier's article entitled, "Hiroshima, U. S. A.".

Concerning the statement appearing in this article which identifies UNDERHILL as "Wartime Chief Editor, Military Intelligence Service, U. S. War Department General Staff", Mr. PAXTON stated that although he was not certain of the specific title held by UNDERHILL while assigned to the Pentagon, he was sure UNDERHILL held a comparable position on the U. S. War Department General Staff.

Mr. PAXTON reported that AXELBANK is unknown to him. He advised that he knew of no instance during his long association with UNDERHILL of UNDERHILL misrepresenting his position with the Federal Government. He stated that UNDERHILL was a difficult man to talk with

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due to his eccentricities and an "involved and round about manner" of presenting his ideas, but that his character, patriotism and ability were never subject to adverse criticism by him or mutual acquaintances.

The interview log covering the interview with AXELBANK on August 2, 1950, is being retained in the New York file.

- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN -

NY 47-6030

ADMINISTRATIVE PAGE

Unless advised by the office of origin, SAMUEL WITTE, 152 West 42 Street, New York, New York, AXELBANK'S attorney, will not be contacted by this office in an effort to obtain the documents reported to be in his possession in view of the fact that AXELBANK'S admissions served to nullify the value of the reported documents.

REFERENCE: Report of SA [redacted] New York,
7/31/50.
Cleveland letter to the Bureau, 7/27/50.
Washington Field letter to the Bureau,
7/27/50.

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FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

AUG 1 1950

TELETYPE

WASH AND WASH FLD 28 FROM NEW YORK

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DIRECTOR AND SAC URGENT

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

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Referral/Consult _____

J. GARRETT UNDERHILL, WA., IMP., PERJURY. RE WASHINGTON FIELD TELETYPE
JULY THREE ONE LAST. [REDACTED] AND [REDACTED] UNKNOWN TO [REDACTED]

[REDACTED], [REDACTED] WILLIARD CROSBY,

COLLIERS MAGAZINE, AND E. K. THOMPSON, LIFE MAGAZINE. INVESTIGATION
CONTINUING IN FURTHER EFFORT TO IDENTIFY [REDACTED] AND [REDACTED]

SCHREIBER

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EX-18

Mr. Tolson	
Mr. Ladd	
Mr. Clegg	
Mr. Glavin	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Nease	
Miss Gandy	

FBI CLEVELAND 7-28-50 12-42 PM EDST MMK

DIRECTOR AND SAC NEW YORK

J. CARRETT UNDERHILL, IMPERSONATION, PERJURY. REMYLET TO BUREAU AND
 NY JULY TWENTY SEVEN. JOHN LEAR, ASSOCIATE EDITOR, COLLIERS MAGAZINE
 TELEPHONICALLY VOLUNTEERED THE FOLLOWING INFO THIS DATE. AFTER THOR-
 OUGHLY RECALLING ASSOCIATION WITH UNDERHILL, RECALLS INDIVIDUAL
 IN POSSESS PHOTOS RE RUSSIAN FLEET IN BLACK SEA IS A MR. HORVATH.
 LEAR FURTHER ADVISED ON UNDERHILLS APPLICATION FOR PASSPORT TO
 VISIT GERMANY IN SPRING, FIFTY, IT CONTAINED UNDERHILLS TITLE AS
 RESERVE CAPTAIN IN ARMY INTELLIGENCE. FURTHER THAT WORTHEN PAYTON
 TOLD LEAR THAT UNDERHILL IN GREAT DEMAND BY ARMY AIR FORCE AND
 NAVAL INTELLIGENCE DURING WORLD WAR II. REFERENCED LETTER ADVISED
 UNDERHILL ADVANCED EIGHT THOUSAND DOLLARS BY COLLIER S IN ERROR,
 ACTUALLY ADVANCED ONE THOUSAND DOLLARS FOR INFO NEW YORK. RUC.

ABEATICCHIC

CORRECTION FOURTH WORD THIRD LINE FOLLOWING

END ACK IN ORDER

12-45 AMSXX PM OK FBI WA NM

OK FBI NYC HFA

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50 AUG 17 1950

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 AUG 18 1950

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DIRECTOR AND SAC URGENT

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT **WASHINGTON, D. C.**

NY FILE NO. **47-6030 JT**

REPORT MADE AT NEW YORK	DATE WHEN MADE 7/31/50	PERIOD FOR WHICH MADE 7/21, 22/50.	REPORT MADE BY <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
TITLE J. GARRETT UNDERHILL, wa. Garrett Underhill			CHARACTER OF CASE IMPERSONATION - PERJURY

SYNOPSIS OF FACTS:

WILSON HICKS, former Executive Editor, Life Magazine, advises UNDERHILL made no misrepresentations in his presence during interview with AXELBANK in November, 1949. EDWARD L. THOMPSON, Managing Editor, Life Magazine, stated he purchased worthless pictures of Russian military equipment from AXELBANK during summer of 1949, reports UNDERHILL never misrepresented himself while associated with Life Magazine. WILLMOPE CALHOUN, Foreign Editor, Life Magazine, reports AXELBANK attempted to sell him pictures of North Korean military equipment some time during period 7/3 to 7/14/50. UNDERHILL's article in Collier's Magazine, 1/28/50, identifies author as "Warline Chief Editor, Military Intelligence Service, United States War Department, General Staff."

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DETAILS:

Mr. WILSON HICKS, 15 Scott Place, Hartsdale, New York, former Executive Editor of Life Magazine, who was interviewed by SA and the writer, advised that HERMAN AXELBANK originally came to his attention

APPROVED AND FORWARDED <i>Edward Schmidt</i> Special Agent in Charge	DO NOT WRITE IN THESE SPACES <div style="text-align: center; font-size: 2em;">47-597-112</div>
COPIES OF THIS REPORT 2 - Bureau 1 - USA, Washington, D. C. 2 - Washington Field, (47-5786) FILE 2 - New York	<div style="text-align: right; border: 1px solid black; padding: 5px;">RECORDED</div> <div style="text-align: center; font-size: 1.5em; margin: 10px 0;">11</div> <div style="text-align: center; border: 1px solid black; padding: 5px;">INDEXED</div>

PROPERTY OF FBI - THIS CONFIDENTIAL REPORT AND ITS CONTENTS ARE LOANED TO YOU BY THE FBI AND ARE NOT TO BE DISTRIBUTED OUTSIDE OF AGENCY TO WHICH LOANED.

NY 47-6030

during the summer of 1948. Mr. HICKS related that AXELBANK appeared at the offices of Life Magazine, gave his name as Mr. HORVATH, and requested an interview with HENRY R. LUCE, Editor-in-Chief. AXELBANK had advised that he had a highly confidential matter to discuss and would speak only with the Editor-in-Chief. Mr. HICKS stated that Mr. LUCE was not available for interview; consequently, the matter was referred to him, but that it required considerable persuasion on his part to induce AXELBANK to disclose the purpose of his visit. AXELBANK acted in a strange and highly secretive manner during the course of the interview, repeatedly referring to himself as Mr. H., and the Editor-in-Chief as Mr. L. He produced a large batch of pictures which he claimed to be current photographs of Russian military equipment smuggled from behind the "Iron Curtain." Mr. HICKS stated that he had the pictures evaluated by an expert on the staff of the magazine and that quite possibly J. GARRETT UNDERHILL was given the assignment, though Mr. HICKS was unable to specifically recall what individual made the study. The pictures were determined to be of little value and no sale was consummated.

AXELBANK made several subsequent appearances at the offices of Life Magazine, each time in an effort to sell a group of pictures. Finally in November, 1949, he offered a group of pictures which appeared to be significant and the magazine was considering purchasing the group. Mr. HICKS recalled that at this meeting in his office in November, 1949, UNDERHILL was called into the interview with AXELBANK in order to appraise the pictures. Mr. HICKS stated that UNDERHILL was impressed by the pictures, but the price requested by AXELBANK was entirely too high, and the pictures were not purchased by Life Magazine. Mr. HICKS stated that UNDERHILL's estimation of the value of the pictures was so great that he later induced Collier's Magazine to purchase them and an article incorporating the pictures was prepared by UNDERHILL. Mr. HICKS pointed out that at no time during the interview in November, 1949, did UNDERHILL in the presence of AXELBANK state that he was with Naval Intelligence, nor did he tend to give the impression that he was officially connected with any Intelligence Agency of this government. Mr. HICKS reported that he knew UNDERHILL as an Army Reserve Officer who had served with the Military Intelligence Division of the Army in World War II, and who was considered an authority on foreign military equipment. He described UNDERHILL as a man of integrity, and AXELBANK as an individual of doubtful character.

NY 47-8030

In an effort to ascertain the Editor of Collier's Magazine to whom AXELBANK alleges UNDERHILL introduced him, pointing to him and saying, "Naval Intelligence", MR. WILLIARD CROSBY, Associate Editor, Collier's Magazine, 640 Fifth Avenue, New York, New York, was contacted. He advised that UNDERHILL in the preparation of his article entitled "Secret Photos: Russian War Maneuvers", appearing in the January 28, 1950, publication of Collier's Magazine, worked under the immediate supervision of JOHN LEAR, Article Editor, who is presently at the Hotel Cleveland, Cleveland, Ohio, and the over-all supervision of JOHN DENSON, Managing Editor, who is currently representing the magazine at Tokyo, Japan, and who will be overseas for an indefinite period.

MR. CROSBY stated that a second article incorporating photographs of Russian military equipment had been prepared by UNDERHILL for Collier's Magazine and is due for an early release.

MR. EDWARD F. THOMPSON, Managing Editor, Life Magazine, 9 Rockefeller Plaza, New York, New York, stated that he purchased pictures of Russian Army maneuvers from AXELBANK during the summer of 1949. MR. THOMPSON advised that the pictures were worthless, and that he subsequently learned that AXELBANK had attempted to sell other officials of the magazine bogus pictures of Russian military equipment. MR. THOMPSON stated that UNDERHILL and AXELBANK were never in his presence at the same time. He advised, however, that he knew UNDERHILL as a Reserve Army Intelligence Officer and an expert on foreign military equipment. He stated that UNDERHILL in his opinion is an individual of high character and added that to his knowledge, UNDERHILL never misrepresented himself to any members of the staff of the magazine.

MR. FILLMORE CALHOUN, Foreign Editor, Life Magazine, reported that AXELBANK contacted him some time during the period July 3, to July 14, 1950, in an effort to sell pictures claimed by him to be of North Korean troops, and North Korean military equipment. MR. CALHOUN stated that due to the fact that the pictures could not be evaluated, the purchase was not made.

It is to be noted that the article entitled, "Secret Photos: Russian Army War Maneuvers", appearing in the January 28, 1950,

NY 47-6020

publication of Collier's Magazine shows the author as GARRETT UNTERHILL and identifies him as "Wartime Chief Editor, Military Intelligence Service, United States War Department, General Staff."

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

NY 47-6030

ADMINISTRATIVE PAGE

Referral/Consult

NY 47-6030

ADMINISTRATIVE PAGE - CONTINUED

Referral/Consult

NY 47-6030

ADMINISTRATIVE PAGE - CONTINUED

In view of the fact that current investigation in this matter substantiates fully information previously furnished by UNDERHILL to SA HAMPE, and that the interview with WILSON HICKS fails to support the claim made by AMELBANK in his letter to Judge BAILEY dated June 29, 1950, an interview with UNDERHILL was not considered appropriate at this time.

REFERENCES

Bureau letter dated 7/14/50.
New York teletype to Cleveland, 7/25/50.
Report of SA MERLE R. HAMPE, 5/8/50, New York, entitled "HERMAN AMELBANK, was, Carl Norman, Mr. Horvath."

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

FD-36
Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

7/31/59 5:20 PM 7715

Transmit the following Teletype message to:

WASHINGTON AND NEW YORK FROM WASH FIELD

DIRECTOR AND SAC DEFERRED

J. GARRETT UNDERHILL, DMP, PERJURY. NEW YORK SUTEL WFO ANY INFO OF
ASSISTANCE IN IDENTIFYING THE [REDACTED] AND [REDACTED] MENTIONED IN
ATRI BANK LETTER TO JUDGE BAILEY JUNE TWENTYNINE LAST, TO FACILITATE
IDENTIFICATION AND INTERVIEW OF THESE INDIVIDUALS HERE. BUDED PAST.

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NOTTEL

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APPROVED:

Special Agent in Charge

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Per

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Belmont	_____
Mr. Mohr	_____
Tele. Room	_____
Mr. Nease	_____
Mr. Gandy	_____

TELETYPE

FBI, CLEVELAND

7-27-50

12-58 PM EDT

MLK

DIRECTOR AND SAC, NEW YORK

J. GARRETT UNDERHILL, IMPERSONATION, PERJURY. RE NEW YORK TEL
JULY TWENTYFIVE. JOHN LEAR, ASSOCIATE EDITOR, COLLIERS
MAGAZINE, NOT MANAGING EDITOR, AS RETEL STATED, INTERVIEWED,
CLEVELAND, OHIO. LEAR ADVISED WAS INTRODUCED TO UNDERHILL AND
UNKNOWN INDIVIDUAL DESCRIBED AS IN LATE FORTIES, FIVE FEET SEVEN
INCHES, TWO HUNDRED LBS, PROBABLY AXELBANK, BY JOHN DENSON,
MANAGING EDITOR COLLIERS MAGAZINE. LEAR OF OPINION UNDERHILL
MILITARY EXPERT BUT NO REFERENCE MADE TO NAVAL INTELLIGENCE.
DENSON NOW IN TOKYO, JAPAN AND NO PLANS FOR HIS EARLY RETURN
THIS COUNTRY. LEAR STATES LOU RUPPEL, EDITOR, COLLIERS MAGAZINE, WAS
PROBABLY FIRST CONTACTED BY UNDERHILL AND ALLEGATIONS WOULD BE
MADE TO HIM RE NAVAL INTELLIGENCE. LEAR WAS AUTHOR ARTICLE
COLLIERS EARLY NINETEEN FIFTY RE RUSSIAN FLEET IN BLACK SEA
WITH NUMEROUS PHOTOGRAPHS AND PICTURES FOR ARTICLE PURCHASED BY
COLLIERS FROM MAN KNOWN TO UNDERHILL. THIS INDIVIDUAL PROBABLY
AXELBANK. UNDERHILL HELPED LEAR ON THIS ARTICLE. AN ARTICLE
WILL APPEAR IN COLLIERS AUGUST FIVE ISSUE RE EFFECTS OF AN ATOM
BOMB BEING DROPPED ON NYC AND UNDERHILL'S NAME WILL APPEAR ON
ARTICLE, BUT ACCORDING TO LEAR, UNDERHILL QUOTE A NUT QUOTE,
AND DID NOTHING OF VALUE TO HELP WRITE ARTICLE. ACCORDING TO LEAR,

52 AUG 11 1950

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EX-50

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PAGE TWO

UNDERHILL COULD HAVE CONTACTED WILLARD CROSBY OF COLLIERS MAGAZINE,
WHO TOOK OVER LEARS WORK AFTER JANUARY ONE, FIFTY. LEAD ADVISED
UNDERHILL WELL KNOWN TO WORTHEN PAYTON OF PAYTON, KRENCER AND
ASSOCIATES, AN ENGINEERING AND DESIGNING FIRM WITH OFFICES IN
EMPIRE STATE BUILDING, NYC, AND PAYTON ACTUALLY PRODUCED TECHNICAL
WORK ON FORTHCOMING COLLIERS ARTICLE. NEW YORK WILL CONSIDER
ADVISABILITY OF INTERVIEWING LOU RUPPEL, WILLARD CROSBY AND
WORTHEN PAYTON. AMSD LETTER FOLLOWS.

ABBATICCHIO

END

ACK IN ORDER

1:04 PM OK FBI WASH DC GAR

OK FBI NYC DW

DISC

Federal Bureau of Investigation
United States Department of Justice



IN REPLY, PLEASE REFER TO
FILE NO. _____

900 Standard Building
Cleveland 13, Ohio

AIR MAIL SPECIAL DELIVERY

July 27, 1950

DIRECTOR, FBI:

Re: J. GARRETT UNDERHILL,
IMPERSONATION
PERJURY

Dear Sir:

Re New York teletype to Cleveland dated July 25,
1950 and Cleveland teletype to the Bureau and New York dated July 27, 1950.

Referenced New York teletype advised that HYEMAN
AHLBANK wrote a letter to Judge BAILEY, Federal Court, District of
Columbia, and alleged that UNDERHILL perjured himself when he denied
he had represented himself to AHLBANK as a Naval Intelligence Officer.
AHLBANK also claimed he was introduced to the Editor of Colliers
Magazine as "Naval Intelligence." Cleveland was requested to interview
JOHN LEAR, Managing Editor of Colliers, at Hotel Cleveland, in Cleveland,
Ohio.

JOHN LEAR was interviewed at his room in the Hotel
Cleveland on July 26, 1950 and advised that he was not the Managing Editor
of Colliers Magazine but was an Associate Editor. According to LEAR,
the Editor of Colliers Magazine is LOU HUPPEL, who is presently in the
Colliers office at New York City, and the Managing Editor is JOHN DENSON,
who is now in Tokyo, Japan, and who has no plans for an early return to
this country.

LEAR advised that in approximately December, 1949,
he was introduced to UNDERHILL by JOHN DENSON, the Managing Editor of
Colliers Magazine, and understood that UNDERHILL was a military expert.
The reason for this meeting, according to LEAR, was that UNDERHILL
contacted the Colliers office in New York with regard to selling them
some secret pictures of the Russian fleet in the Black Sea. LEAR under-
stood that a friend or associate of UNDERHILL had smuggled these pictures
back from the Black Sea and this individual was described as being in his

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cc: New York

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A. E.

DIRECTOR, FBI.

late forties, five feet seven inches tall, weighing 200 pounds, short stocky build and a nervous type individual. LEAR did not recall the name of this individual and the names of AXELBANK, CARL NORMAN and Mr. HORVATH were not familiar to him. LEAR advised that Colliers purchased these pictures and subsequently an article was written by Colliers in either January or February, 1950 regarding the Russian fleet in the Black Sea and that the name of UNDERHILL appeared as a person who helped produce this article. According to LEAR, however, he regarded UNDERHILL as "a nut" and complained on numerous occasions to Mr. DENSON and LOU HUPPEL, his superiors at Colliers. LEAR stated that he was Article Editor of Colliers Magazine from July, 1949 until January, 1950, at which time he became an Associate Editor and WILLARD CROSBY took over his work as Article Editor.

LEAR advised that in the article regarding the Russian fleet in the Black Sea, the title that UNDERHILL had under his name in this article, in his opinion, was Military Intelligence Service, U. S. War Department, General Staff. LEAR said he doubted UNDERHILL's claim that he was a military expert inasmuch as the supposedly secret pictures of the Russian fleet in the Black Sea were supposed to be analyzed by UNDERHILL and that actually he, LEAR, had to help UNDERHILL write the articles describing military angles that were in the pictures of the Russian fleet.

LEAR further advised that he went to Washington for his credentials to go to Germany inasmuch as he wanted to study the effects of bombing in cities there and UNDERHILL was to go with him. While in Washington, LEAR advised he obtained his credentials and clearance in a matter of minutes, but that UNDERHILL's clearance was held up. According to LEAR, he, LEAR, contacted a [redacted]

[redacted] to try to speed up the clearance for UNDERHILL, inasmuch as they were to go to England to attend a school because of the fact that LEAR and UNDERHILL were to write an article in Colliers regarding the dropping of an atomic bomb on an American city and the effects of this bomb. LEAR advised that [redacted] could find no information regarding UNDERHILL other than that he applied at a previous time and was reportedly to have been a correspondent for Life Magazine. There was no indication in this file that UNDERHILL was cleared.

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LEAR further informed that he was advised that UNDERHILL's clearance could be picked up at the American Embassy in London but it was not necessary to use this clearance inasmuch as LEAR and UNDERHILL did not get to Germany on their visit to England in April, 1950.

DIRECTOR, FBI

Upon returning from England after attending the Atom Bomb Defense School, UNDERHILL was supposed to furnish the technical data required for the article that is to appear in the April 5th issue of Colliers Magazine, which will appear on newsstands on July 28, 1950. LEAR said that UNDERHILL had been advanced money by Colliers Magazine for this work and that he was incompetent of supplying the necessary technical data for this article and that UNDERHILL got an acquaintance of his, WORTHEN PAYTON of PAYTON, KRUEGER and Associates, an engineering and designing firm with offices in the Empire State Building, New York City, to supply the technical data for the forthcoming article in Colliers. It was LEAR's opinion that both PAYTON and UNDERHILL had previously worked for Life Magazine and it was through this medium that PAYTON and UNDERHILL met each other.

Actually \$1,000
See LEAR
7/23/50
LEAR stated that on their return from England, UNDERHILL was advanced \$8,000 by Colliers Magazine and a couple of days after this advance was made, UNDERHILL's wife called the Colliers' New York Office and informed them that he was sick. No information regarding UNDERHILL after this time is known by LEAR. However, LEAR advised that while in New York, UNDERHILL resided at the Harvard Club and was asked to leave there inasmuch as he owed them a large bill. Further, on occasion after LEAR and UNDERHILL returned from England, UNDERHILL made the statement that he was to be subpoenaed, to Washington, D. C., on some court case and was trying to avoid being served with a subpoena. LEAR had no information regarding what case the subpoena had reference to.

LEAR said that on no occasion did he know UNDERHILL to make a statement that he was with Naval Intelligence but that he made many references to Naval Intelligence and possibly UNDERHILL knew individuals attached to Naval Intelligence. It is to be pointed out that when LEAR met AXELBANK, he was introduced to him by JOHN DENSON and UNDERHILL probably did identify himself to DENSON or either he first contacted the Editor of Colliers, LOU RUFFEL, and allegations were made to him regarding his being with Naval Intelligence.

The New York Office was advised by teletype of the pertinent facts regarding UNDERHILL on July 27, 1950.

No further investigation is being conducted by the

DIRECTOR, FBI

Cleveland Division and this matter is being referred to the New York Division, who requested the Cleveland Division to interview JOHN LEAR.

Very truly yours,

R. J. ABBATICCHIO JR.,
Special Agent in Charge.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI
FROM : GUY HOTTEL, SAC, Washington Field
SUBJECT: J. GARRETT UNDERHILL
IMPERSONATION - PERJURY

DATE: July 27, 1950

G. I. R. - 2

Reference is made to Bureau letter dated July 14, 1950, directed to the U. S. Attorney for the District of Columbia advising that investigation in the captioned matter was being instituted in connection with the letter addressed to U. S. District Judge JENNINGS BAILEY, Washington, D. C., by HERMAN AXELBANK, the subject of a recent impersonation case.

This is to advise that the Bureau deadline of July 31, 1950, for the submission of a report in this case cannot be met by the Washington Field Office for the following reasons:

U. S. Attorney GEORGE W. FAY has advised that he had no contact with Judge BAILEY in connection with the referral of this matter to his office by Judge BAILEY. The Assistant U. S. Attorney who tried this case is on vacation and unavailable for interview due to his absence from the city for approximately another week. It has not been possible to examine the testimony of the subject or HERMAN AXELBANK in connection with the AXELBANK trial since the court record has not been transcribed and the court reporter is also out of the city on vacation. As soon as these individuals are available for interview, the necessary information will be obtained from them and this investigation will be expedited.

With regard to the investigation of this matter by the New York City Office, it is requested that office interview HERMAN AXELBANK who is now located at 2720 Haring Avenue, Bronx, New York for complete details in connection with his letter dated June 29, 1950, to Judge BAILEY and obtain from him all information and evidence to support his statement that J. GARRETT UNDERHILL committed perjury. It is also requested that the New York Office conduct all further logical investigation and interviews suggested by the information available to that office in both the UNDERHILL and the AXELBANK case.

HTD:ML
47-5879
cc: New York

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COPY

July 14, 1950

Mr. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D. C.

Dear Sir:

Enclosed for you are a letter from Mr. J. Edgar Hoover dated July 7, 1950, and
Amherst's letter dated June 27, 1950. You will note that Washington Field
was office of origin in a memo captioned "Morris Amherst, was. Information,"
Washington Field file 100-3746. You have conducted an investigation regarding
Amherst as an auxiliary officer, New York file 100-400. In connection of Amherst's
letter reflects that he alleged Amherst committed perjury when he testified
that he, Amherst, never represented that he was with the FBI. Amherst claims
that he honestly believed (1949) he was affiliated with FBI along he was taking
orders from Amherst. You should conduct a separate investigation to determine
whether Amherst ever represented himself to be an agent or representative
of the office of FBI under the circumstances set forth in Amherst's letter. It
is suggested that an agent of the WFO confer with the FBI to obtain further comments
made by Judge Bailey regarding this matter. WFO is office of origin. A report
should be submitted so as to reach the Bureau not later than July 31, 1950.

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Mr. J. Edgar Hoover
Investigation - Bureau

These are enclosed for you of a letter from Mr. J. Edgar Hoover dated July 7, 1950, and
Amherst's letter dated June 27, 1950. You will note that Washington Field
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should be submitted so as to reach the Bureau not later than July 31, 1950.

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